

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

BERTRAM L. WILSON, JR.,

Plaintiff,

vs.

Case No. 16-1153-JTM

WICHITA STATE UNIVERSITY, *et al.*,

Defendants.

MEMORANDUM AND ORDER

This matter is before the court on the Report and Recommendation of the Magistrate Judge that the present action by *pro se* plaintiff Bertram L. Wilson, Jr. be dismissed for failure to state a claim. (Dkt. 7). In his Complaint, Wilson sought damages of \$5 million dollars for “continuing psychological stress and mental anguish” after he was removed from the Wichita State University library, the officers involved citing concerns for employee and student safety. (Dkt. 1, at 4, 7), The Magistrate Judge determined that Wilson should be permitted to proceed without prepayment of fees, but further concluded that the action was subject to dismissal under 28 U.S.C. § 1915(e)(2)(ii). Specifically, the Magistrate Judge observed:

Plaintiff alleges violations of his civil rights relating, in part, to his expulsion from the Wichita State University library. (*See* Doc. 1.) Simply stated, the Court cannot glean a comprehensible federal court cause of action upon which relief may be granted from the facts alleged in Plaintiff’s Complaint. The Court is unaware of a federal claim resulting from an individual being removed from a building on a public university campus as a result of complaints and/or “concern for the ‘safety of university employees, and students’” as alleged by Plaintiff. The Court finds that Plaintiff has failed to state a claim on which relief may be granted and thus

recommends to the District Court that the case be DISMISSED.

(Dkt. 7, at 8).

The court hereby adopts the Report and Recommendation. While Wilson has filed an objection to the Report and Recommendation, his response is simply a conclusory repetition of his original allegations. (Dkt. 9).

IT IS ACCORDINGLY ORDERED this 27th day of July, 2016, that the Report and Recommendation is hereby adopted, and the present action is hereby dismissed for the reasons stated by the Magistrate Judge.

s/ J. Thomas Marten
J. THOMAS MARTEN, JUDGE